



1764

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen H. Brown et al.

Serial No. 09/891,672

Filed: June 25, 2001

For: DECREASING BI-REACTIVE  
CONTAMINANTS IN AROMATIC  
STREAMS

Docket No.: 10024-2

Examiner: Tam M. Nguyen

Group Art Unit: 1764

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DEC 26 2002  
TC 1700

Assistant Commissioner of Patents  
Washington, DC 20231

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicant respectfully submits that the above-identified application is not abandoned and requests withdrawal of the holding of abandonment. In support thereof, Applicant submits the following:

A. On October 1, 2002, the United States Patent and Trademark Office ("USPTO") mailed to Applicant a Notice of Abandonment for the above-identified application. The Notice said that the application is abandoned for failure to respond to an Office Action mailed February 14, 2002.

B. Applicant submits that a response to the Office Action was submitted to the USPTO with the three month period of set forth in the Office Action. Specifically, the response, which was due at the USPTO no later than May 14, 2002, was mailed on May 13, 2002, and that mailing was done in accordance with 37 C.F.R. 1.8(a).

C. 37 C.F.R. 1.8(b) provides that correspondence timely filed by and mailed in accordance with 37 C.F.R. 1.8(a), but not received by the USPTO, will be considered timely if the party who forwarded the correspondence:

- (1) Informs the USPTO of the previous mailing or transmission of the correspondence promptly after becoming aware that the USPTO has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a

copy of the sending unit's report confirming transmission may be used to support this statement.

D. As specified in 37 C.F.R. 1.8(b), Applicant submits the following in support of the timely filing of the issue fee payment:

- (1) Applicant hereby notifies the USPTO of the May 13, 2002 mailing of the response;
- (2) Applicant submits a copy of the response with a May 13, 2002 certificate of mailing showing on Page 8 of the response, attached hereto as Exhibit A; and
- (3) Applicant submits a copy of the self-addressed, postage prepaid return postcard that accompanied the Response, that shows a May 31, 2002 date stamp of receipt at the USPTO, attached hereto as Exhibit B.

E. Because this Petition is being filed at the USPTO two (2) months and two (2) weeks after the mailing date of the notice of abandonment, enclosed herewith is a Terminal Disclaimer. The Terminal Disclaimer dedicates to the public a terminal part of the term of any patent granted thereon that would extend beyond the date 20 years from the filing date of the application, or the earliest application to which this application specifically refers under 35 U.S.C. 120, 121, or 365(c) or any patent granted on any application that claims the benefit of the filing date of the application under 35 U.S.C. 120, 121, or 365(c).

Applicant respectfully requests that the holding of abandonment be withdrawn.

Respectfully submitted,

December 12, 2002  
Date

Edward F. Sherer  
Edward F. Sherer  
Registration No. 29,588  
Attorney for Applicants

ExxonMobil Chemical Company  
Law Technology Department  
P. O. Box 2149  
Baytown, Texas 77522-2149  
Telephone No. 281/834-5933  
Facsimile No. 281/834-2495

CERTIFICATE UNDER 37 CFR 1.8(a)	
I hereby certify that this correspondence, and any attachments referred to, is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents, Washington, D.C. 20231, on <u>December 12, 2002</u> .	
<u>December 12, 2002</u> Date of Deposit	<u>Mia G. Marron</u> Mia G. Marron

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